

Remarks

The Office Action of December 29, 2004 has been carefully considered. Claims 1-10 remain in this application. New claims 11 and 12 have been added. New claims 11 and 12 find support in Applicants' specification in FIG.1, paragraph [0013], [0044] and [0071], and claim 4 of the original specification.

In the Office Action of December 29, 2004, claims 1-9 were rejected under the doctrine of obviousness-type double patenting, as being unpatentable over claims 11-20 of Cronk et al. '428, in view of claims 17-22 of Anderson et al. '474. The Examiner opined that the difference between claim 1 of the instant application and the '428 patent claim 11 is the aromatic substance being contained within a plurality of microcapsules. The Examiner has made similar specific rejections of each of Applicants' claims 2-11. In response to these rejections, Applicants hereby file a terminal disclaimer in compliance with 37 CFR §1.321(c) which disclaims, with certain exceptions, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration of the full statutory term of prior U.S. Patent No. 6, 769,428; 6,276,360 (see claim 8) and 6,244,265 (see claim 23). Accordingly, reconsideration of claims 1-10 is respectfully requested.

Applicants have also added claims 11 and 12, which are directed to a method of treating a patient experiencing nasal congestion by applying a nasal dilator, including an aromatic medication, for both mechanically dilating the patient's external nasal tissue while simultaneously permitting the patient to inhale the aromatic medication, whereby the patient's nasal congestion is at least partially relieved.

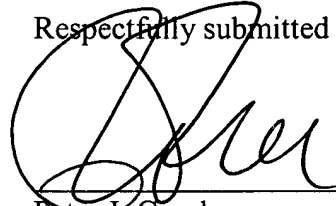
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In view of the above, reconsideration of this application is respectfully requested and an early Notice of Allowance is earnestly solicited.

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Respectfully submitted



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